

EXHIBIT E

Page 1

1
2 UNITED STATES DISTRICT COURT
3 NORTHERN DISTRICT OF CALIFORNIA
4 (SAN FRANCISCO DIVISION)

5
6 ROOTS READY MADE GARMENTS CO. X
7 W.L.L.)
8 Plaintiff,)
9 -against-)
10) Index No.
11) C 07 3363
12 THE GAP INC., ET AL.)
13)
14 Defendant.)
15 X
16 -----

17 VIDEOTAPED DEPOSITION OF JON EHLEN
18 New York, New York
19 July 15, 2008

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24 Reported by:
25 Judi Johnson, RPR, CRR, CLR
Job No.: 17735

1 JON EHLEN

2 wasn't Roots that was considered. It was the --
3 the exploration was on Gabana, which was our
4 distributor.

5 Q And when was that?

6 A I don't recall the time, but Ron Young
7 and I took a trip over to Dubai to look at their
8 facilities in Jabel-Ali, in which Roots actually
9 managed the warehouse, and we looked at some of
10 their current distribution channels, retail
11 doors, of which Roots was one of them in Qatar.

12 Q So your understanding at that time was
13 that Gabana was Gap's distributor and that Roots
14 was a different company that was one of Gabana's
15 retailers?

16 A Correct. Plus they operated the
17 warehouse for Roots -- for Gabana.

18 Q And who told you that?

19 A Francois Larsen.

20 Q Did you have an understanding as to
21 why Gabana was not chosen as a franchisee?

22 A Lack of operational excellence or lack
23 of any kind of operation, really.

24 Q When you say lack of any kind of
25 operation, what do you mean?

1 JON EHLEN

2 Why were you responding to Mr. Abu
3 Issa on this topic?

4 A As I did with many of Mr. Francois'
5 retailers, I would -- they would contact me, and
6 I would give them a quick answer. Francois
7 ended that eventually and wanted all
8 communication to go through him.

9 Q Was it your understanding at this
10 point in time that Mr. Abu Issa was involved in
11 all applications for ISP retailers in countries
12 other than Qatar?

13 A No. But I mean, if you look at
14 Exhibit 117, he clearly had a vested interest in
15 Gabana with 49 percent interest. So at this
16 time, I just assumed that he was part of
17 Francois' team.

18 Q So you were writing to him in his
19 capacity as a part owner of Gabana?

20 A I didn't know that at the time, I
21 don't think.

22 Q The third bullet point --

23 MS. DURIE: Is that the window washer,
24 the music?

25 MR. HANEY: Yes, it is. I don't know

1 JON EHLEN

2 somebody from Roots, Naser maybe. But that's
3 where I was introduced to David Reilly.

4 Q The City Center Mall is in Dubai?

5 A Correct.

6 Q And you understood that Mr. Reilly's
7 role was to be a representative of a retailer in
8 Dubai?

9 A Correct.

10 Q And that was RSH?

11 A Correct.

12 Q And you also met Mr. Al-Turki?

13 A Yes.

14 Q And you understood that he had a
15 relationship with RSH -- that his company had a
16 relationship with RSH as well?

17 A I wasn't quite sure what that
18 relationship was, but yes, there was -- I didn't
19 each know there was a relationship. I just met
20 him that day.

21 Q Okay. Did you understand what his
22 role was?

23 A No. It was often always very
24 confusing whose role was what in these deals.

25 Q Did you ask anybody?

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1 PROCEEDINGS

2 C E R T I F I C A T E

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4 I, JUDI JOHNSON, RPR, CRR, CLR, a Notary Public in
5 and for the State of New York, do hereby certify:

6 THAT the witness whose testimony is hereinbefore
7 set forth, was duly sworn by me; and

8 THAT the within transcript is a true record
9 of the testimony given by said witness. I further
10 certify that I am not related, either by blood or
11 marriage, to any of the parties to this action; and

12 THAT I am in no way interested in the outcome of
13 this matter.

14 IN WITNESS WHEREOF, I have hereunto set
15 my hand this 25th day of July, 2008.

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18 JUDI JOHNSON, RPR, CRR, CLR

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